

drop
acid

McGILL DAILY

it's
more
fun

VOL. 57 — No 39

MONTREAL, THURSDAY, NOVEMBER 16, 1967

3 cents

Council says: drop charges

U of T sc ok's Varsity

The University of Toronto students' council last night supported the Varsity after the newspaper reprinted the last paragraph of the controversial Realist article in its issue of November 8.

The council's action follows a decision by Caput, Toronto's supreme disciplinary body, to leave the matter in student hands.

The motion on the Varsity found the paragraph lacking in taste, but affirmed its necessity for adequate news coverage of the events at McGill.

Two earlier motions, calling for censure and condemnation of the Varsity respectively, did not pass.

senate hearings to be televised

(From the Senate Committee on Student Discipline)

If no objection is made by the students appearing before it, the Senate Committee on Student Discipline will avail itself of the University's offer to utilize the closed circuit television facilities in order that its hearings may be followed by those members of the University community who may be interested in them.

The proceedings with regard to Peter Allnutt and Pierre Fournier will commence at 2:30 pm today. The televised proceedings, if agreement of the students concerned is obtained, will commence at 2:30 pm in Room 132 of the Stephen Leacock Building.

A date for the hearings with regard to John Fekete will be set today (Thursday, November 16).

by LESLIE WAXMAN

Students' Council last night "protested" the administration's initiation of disciplinary proceedings against Peter Allnutt, Pierre Fournier and John Fekete and invited the Senate Committee on Student Discipline to drop its charges against the three members of the Daily staff.

By a vote of 12-2-1, Council passed a motion that it "does not accept the manner and approve the action taken by the administration" in charging the students with "conduct unbecoming to McGill students"; that it believes "any action if necessary can and should be taken by the Students' Society alone"; that it "protests" the administration's action; and that it "requests" that the committee drop the charges.

The motion, presented by Saul Ship (Arts and Science) and seconded by Ian Hyman (Arts and Science) mandated the President to communicate Council's stand by letter to the Principal and the Secretary of the Senate.

Support for the motion came from all quarters with councillors such as Michael Blau (Dentistry)

approving of "the whole motion in its entirety". Hyman commented that this was "the first good thing Council has done in three months".

The only dissenting votes came from Martin Dreyer (Music) and Ron Estey (Medicine), with Michael Vineberg (Law) abstaining.

Council also passed a motion condemning "the violation of the Principal's office" last Thursday and recognizing that discipline on this matter should be referred to the senate committee. Presented by Vineberg and seconded by Blau, the motion was approved 8-7.

Tripartite committee

President Peter Smith revealed that he had received a letter from Principal Robertson stating Senate's desire to establish a committee to investigate "the nature of the university — its qualities, functions and values".

(Continued on page 3)

Daily cleared of "bad faith"

In a unanimous decision handed down yesterday, the Judicial Committee found "the publishing of the article appearing in the McGill Daily on November 3, 1967, entitled 'Boll Weevils' did not constitute an act of bad faith."

The Committee had been petitioned by the Students' Council last Thursday to judge whether or not Editor-in-Chief Peter Allnutt had acted in bad faith by allowing the article to be published. The council motion stipulated that if Allnutt was found to be in bad faith, the position of editor-in-chief would be declared vacant.

The Judicial Committee report did however say "any suggestion that the editor may only be dismissed because of his bad faith appears erroneous to this committee."

In a judgment handed down last year, a majority of the com-

mittee, which is appointed annually, said "for Council to fire the editor-in-chief it must have reasonable grounds to believe that the editor was in bad faith."

"The Judicial Committee is of the opinion that bad faith in the context of publishing denotes ill will, evil motive, and intention to injure," the report says.

The report also said, "We are

almost unanimous in the view that Mr. Allnutt's decision to publish the article was extremely irresponsible."

The lone dissenter on this point, Edouard Labelle said in order to pass judgment on the article, the Judicial Committee members "had to pass judgment on the morality, good taste, or social value of the article as it

was published in the Daily."

The committee also ordered John Fekete to appear before it next Tuesday "to show just cause why he should not be cited for contempt of court" or be fined \$10. Fekete did not appear at the hearing Monday night after being subpoenaed.

The report is reprinted in full on page five.

SC tables Daily motions

by GEORGETTE JASEN

Students' Council last night tabled a motion calling for acceptance of the Judicial Committee report and closure of the Daily affair.

Bill Lenihan (Graduate Studies), in presenting the motion, said it was time to end debate on the Daily article itself and move on to the greater issues of the students' role in the university and administration participation in student affairs. He added, "It has become a game of who can get the Daily and is no longer about the controversy caused by the publication of the article."

An amendment presented by Michael Blau (Dentistry), tabled along with the motion, asked that the position of Editor-in-Chief of the McGill Daily be declared vacant on the grounds that the editor was irresponsible, negligent, unreasonable, and had acted with lack of foresight in the publication of the Boll Weevils column.

Blau maintained that he and the Council had been misled last week when they were convinced that the only grounds for firing the Editor-in-

Chief were those of "bad faith". Hence, the new call for dismissal, which he felt was based on legitimate grounds.

The motion to table was presented by Michael Vineberg (Law) who said he will petition the Judicial Committee, as a "private McGill citizen" to determine whether the publication of the column constituted grounds for civil or criminal libel.

After the motion to table was carried, Daily Editor Peter Allnutt read a statement into the minutes to the effect that he was "extremely disappointed in Council. A matter of such importance to the Daily was discussed and a decision made without giving its Editor-in-Chief a chance to speak."

(Continued on page 6)

Council removes SDU chairman

A motion passed at last night's Students' Council meeting will force the removal of SDU chairman Stan Gray and a revision in that organization's constitution.

Wendy Fee, (Education) constitutions portfolio holder, insisted that Gray as a faculty member was ineligible to hold his position. She said the constitution of the Students' Society specifically states that executives of student clubs must be members of the Students' Society.

Since SDU's constitution says that members of its executive may be either students or faculty members, Council will instruct SDU to delete the paragraph concerning faculty members. If this is not done, according to the motion, the constitution will be suspended.

Council also passed a motion to neither endorse nor condemn the demonstrations planned for November 17, the International Day of Protest against the War in Viet Nam, but to urge individual stu-

(Continued on page 3)

Pre-meds and dents

All students applying to Medical/Dental Schools for the '68 session must pick up forms from the Pre-Medical/Dental Adviser's Office in Dawson Hall.

McGILL LIBRARY
NOV 16 1967

PERIODICALS

today

SYMPHONIC BAND: Regular rehearsal. Redpath Hall Gallery, 7 pm.

SAVOY SOCIETY: No regular practice.

DEUTSCHER STUDENTENKREIS: Films about Germany. Union 457-8, 8 pm.

AIIESEC: Bring lists of contracts. Union 464, 11 am-2 pm.

RADIO MCGILL: Union 457-8, Operation training lecture - radio as a media.

WAA SKI HOUSE: RVC across from Phys. Ed. office. 1 pm.

UNDERGRADUATE GEOGRAPHICAL SOCIETY: Prof. Peter Hall speaking on "Biogeography at McGill". Macdonald Eng. Bldg, 7 pm.

STUDENT CHRISTIAN MOVEMENT: Discussion: "Blow-Up" and "Bonnie and Clyde". 3625 Aylmer, 8 pm.

LISTENING BOOTH: Classical - Arnold Schoenberg. Union 307, 4 pm.

SAMAHANG PILIPINO: Organizational meeting. New members welcome. Union B 41, 6:30 pm.

INVESTMENT CLUB: General meeting. Union B 23, 1 pm.

RUSSIAN CIRCLE: Topic to be decided. Union B 23, 8 pm. Tel.: 737-1037.

YELLOW DOOR COFFEE HOUSE: Classical guitarist Pierre Gladu. 3625 Aylmer, 8:30 pm.

GRADUATE & FACULTY CHRISTIAN FELLOWSHIP: Mr. Harry Norris, B.A., M.S., speaking on "The Christian in Industrial Society". Douglas Hall Common Room, 5:30 pm.

ANGLICAN CHAPLAINCY: Holy Eucharist, supper and discussion with Dean Bothwell. 3555 University St., 5:30 pm.

EUS: Nominations for Engineering Queen. Free drinks at Fall Informal.

LITERARY SOCIETY: Movie: "The Old Man and the Sea", 75¢. Members free. L-132, 8:30 pm.

WOMEN'S INTRAMURAL BOWLING: Second round of games. Leader Lanes, Guy and St. Catherine, 7:30 pm.

LATIN AMERICAN SOCIETY: General meeting. Union 307, 1-2 pm.

CAMERA CLUB: Filmstrips on enlarging and printing. Union B-24, 7 pm.

MCGILL PLAYERS: Auditions for Pinter plays to be performed. 1-2 pm. Make-up workshop. Union Theatre make up room, 1-2 pm.

SANDWICH THEATRE: "The Old Man and the Thief" by Giancarlo Mehoti. Union Theatre, 1-2 pm.

CYCOM: Fortran. E-309, 1-2 pm.

CHORAL SOCIETY: Regular practice for all members. Divinity Hall, 5 pm.

SCARLET KEY: Union B-27, 1-2 pm.

HILLEL: Rabbi Henry F. Skinnball, International Director of NTTY speaks on "The Big Sell-out - Whither Jewish Youth?" Hillel House, 3460 Stanley, 1 pm.

ITALIAN SOCIETY: Executive meeting with Le Cercle Français. B-24, 1 pm.

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WOMEN'S VOLLEYBALL: Team practice. Currie Gym, 5:30-7 pm.

MARTLETS: Regular practice. Union 307, 7-9 pm.

FILM WORKSHOP: NFB gurus and film for pre-Christmas exercise. B 26, 8 pm.

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or

How I learned to love
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THE OLD MAN AND THE SEA

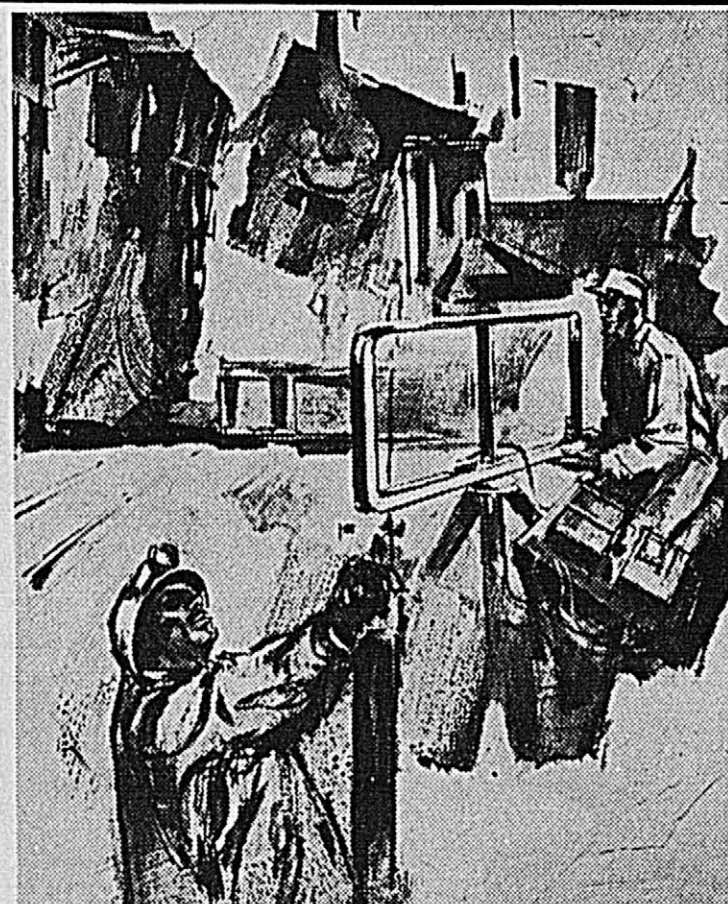
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SDU . . .

(Continued from page 1)

dents to participate in their own way.

Speaking for his motion, Richard Burkart, External Vice-President, said Council does not have the power to act for the entire student body on this matter, "It is a personal decision".

Council also passed a motion to request a lawyer's decision on the feasibility of incorporating the Students' Society and/or the McGill Daily and report back to Council in two weeks.

Internal Vice-President Danny Trevick said the subject had come up in discussions with the administration over the current Daily crisis and both the administration and its lawyers had been highly enthusiastic.

The SC also voted to contribute \$250 to the defence of Barry Goldberg, who was ar-

rested near Dawson Hall Friday afternoon.

It was also decided to allocate \$1800 for Peter Smith, Richard Burkart, and Myron Galloway to take French lessons at Berlitz.

Council says : . . .

(Continued from page 1)

Further, Senate proposed that this committee be composed of four members of the Senate itself, four members of the McGill Association of University Teachers and four students.

Richard Burkart, Vice-President for External Affairs, suggested that the four student delegates be elected by the campus-at-large in the following "proportional" manner:

- One representative from the faculties of Law, Medicine, Dentistry and Graduate Studies and Research

- Two representatives from the Faculty of Arts and Science

- One representative for all other faculties

Burkart's suggestion was incorporated into a motion which was subsequently passed.

Prof. tells SDU rally :

Role of faculty must be upped

by LAZAR SARNA

Students on the university governing body would increase administrative bureaucracy rather than democratize the university, Political Science Professor A.H. Fenichel told an SDU-sponsored rally yesterday.

Professor Fenichel told the rally he is more concerned with increasing the role of faculty in determining academic policies at McGill. He pointed out that since only 20% of the Senate membership is elected, the staff has little power in influencing the nature of university education.

Commenting on the Daily affair, he said, "There is no behavior incompatible with one's status as a student. If there is, the same applies to the behavior of the faculty. It is very difficult to determine what is academic or non-academic behavior."

"It is up to the community to define obscenity. I don't think the university can define its own code of ethics to the point of taking judicial action against students."

"In terms of good sense and good politics, the university has made a great mistake."

Professor John Shingler, of the Department of Political Science and Economics, pleaded against factionalism among SDU members. He chastised activists for lacking structure and strategy. "We need a structural reorganization of the Students' Council. If it were truly representative, there would have been a

dialogue with university officials. There would not have been a break-in at Dr. Robertson's office or any police on campus".

A petition was circulated at

the meeting calling for a general student strike in the event that the McGill administration refuse to drop the charges against Allnutt, Fournier and Fekete.

Poor pay more—Carter

by JAN WYLLIE

Kenneth Carter, chairman of the recent Royal Commission on Taxation, called the present system of taxation in Canada unfair in a speech last night at Moyse Hall.

He said people in lower income brackets bear too much of the weight of the taxation. He singled out property taxes as an example of this. "Property taxes are not graded to income, thus in this field poorer people are treated unmercifully." He stressed fairness as the most important criterion of tax collection.

Carter told the meeting, sponsored by the Commerce Speakers Program and the Canadian Centennial Committee, that small businesses should not enjoy tax concessions, however he advocated regular deductions for expenses and subsidies when necessary.

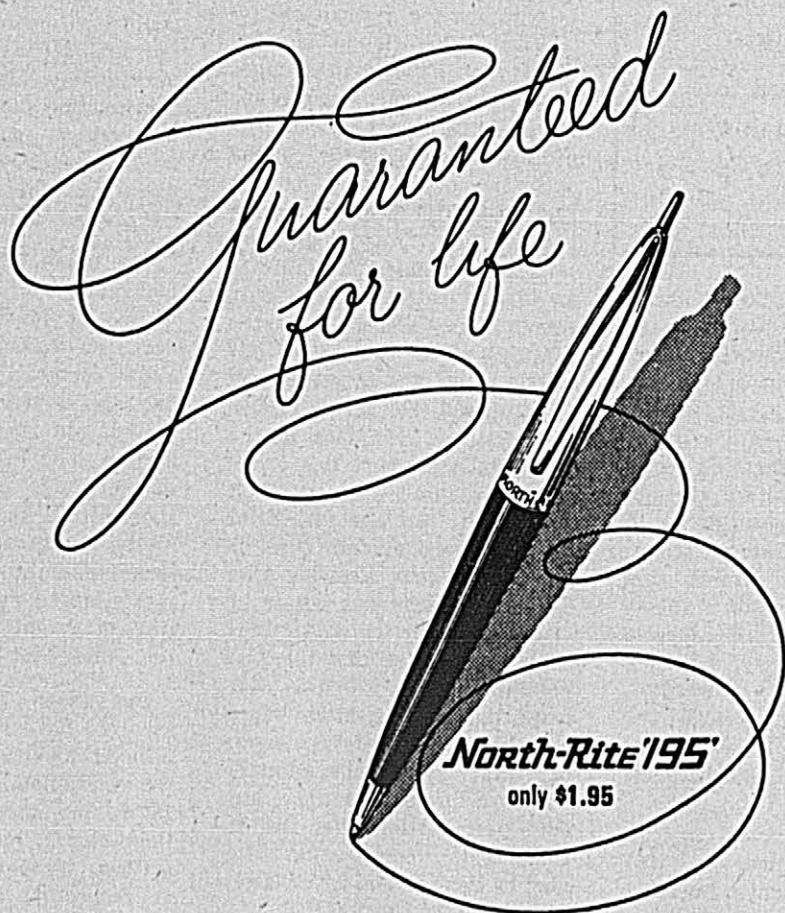
He said, "The economic strength of the country arises directly out of the strength of the small businesses." He categorically denied any attempt to drive them out of the market.

At present Canada taxes people individually. Carter recommended that income tax be based on the family unit as it is in most countries. "Authorities can make a fairer assessment in this manner of what we glibly call ability to pay."

In his closing remarks Carter stated corporations should not pay direct taxes but rather the shareholders should be taxed — more efficient and fairer.

If the Commission's recommendations are put into effect personal tax rates will go down to the US level — a 10 to 20% reduction, Carter said. This will create more incentive for investment in Canadian enterprises.

He also pointed out what he thought was a specific injustice in the tax system — the position of life insurance companies. "They receive tax exemptions ostensibly because they do so much good. I think they should be taxed on the same basis as any other company."



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NOVEMBER 16, 1967

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waiting for godot? he asked . . . almost, almost . . . memo to the cntu: it's a long ride to the end of the line, so don't go on strike . . . clara is d'accord about "chocolate sundaes and starchy foods" to quote the femme fatale herself . . . Forgive them (and me and the others) oh Father for we (and they) know not what we do . . . except Pierre who has a "different moral standard" . . . jam yesterday and jam tomorrow but never jam today that's the key to the whole . . . succinctly: nothing to be done, kids, nothing to be done . . . W.

Where to get off

Last night the Students' Council took what may turn out to be the most important decision in its history. It took a stand for student autonomy and against Administration intervention. For years McGill has been boasting about the autonomy of its Students' Society. The Senate's action in the Daily issue clearly indicates that the Administration has no respect for this autonomy; whenever it wants to, it is going to step in and bypass Council. That body told Senate last night that it has no intention of being ignored.

If a sense of community is to develop within our university, students must retain that measure of independence that they have for so long believed they possessed.

The Administration claimed the situation was so serious that it had to intervene. Brazenly assuming the right to control non-academic expression, it reached right through the Students' Council into this publication and picked off three staffers for disciplinary action.

Until last night the Administration had not heard any official student protest of its action. Council had not made a decision on the matter and the McGill Daily had muzzled itself for the sake of the three whose heads rest on the block.

But now the Administration has been told by the official voice of the students to get out. That voice cannot be ignored as the cries of individual students were last week.

There is no choice for the Administration but to drop the charges. The university has too much to lose to play with this thing any longer.

We are fighting for the basic right to exist. We cannot afford to back down. Unless the Administration is prepared to face a Students' Society engaged in a fight for its very life, it had better keep to its own affairs.

Letters



Flash wanted

Sir,

What is the matter with the S.D.U.? The protest is losing steam. More fire must be added to the confrontation with the administration. I can see only one possible mean to regain a kindling of spirit.

The members of the S.D.U. must, democratically, select one from amongst themselves for the privilege of heating-up the protest. The person selected should be given the honour of being the first S.D.U. to burn himself alive. The reaction could only be tremendous. Everyone will come to see the light. The glow of freedom, justice, and non-interference will shine to the four corners of the world. The whole population will become warmly sympathetic toward the S.D.U. and the martyred hero.

This torch of protest must never fail but must be rekindled at periodic intervals. I know the S.D.U. will gladly supply the fuel. I shall await the flash of revolution.

C. Riley, B Com 4

Never again

Sir,

I wish to draw the attention of your readers to the following facts. Mr. Ron Estey, SEC representative from Medicine, had his hand raised to read a motion on my behalf when Tuesday's meeting was so quickly adjourned. The motion read:

"Be it resolved that the Students' Society of McGill University express its lack of confidence in Messieurs Peter Allnutt, Pierre Fournier, and John Fekete.

Be it further resolved that the Students' Society demand their immediate dismissal from their positions on the McGill Daily."

In one of the greatest pieces of ineptitude I've had the misfortune to witness, the SEC

obscured the highly relevant issue of student confidence in the above three gentlemen. It did so by equating student confidence with the right of the administration to involve itself in this affair. Whether we as students, and whether the administration, has confidence in you are two separate questions.

I believe, Mr. Allnutt, that a majority of McGill students lack faith in your competence. A man of integrity, realizing the ineptitude of the SEC, would bring this before the student body at large by way of a referendum. I challenge you to do so.

Secondly, Burkart in his letter of November 8, 1967 states that the Senior Societies are again considering withdrawal from the Students' Society. Let me make my own position quite explicit. I can no longer, in good conscience, stand by while the interests of my Society are continually frustrated and abused by a Students' Society which refuses to act responsibly.

The M.S.S. (comprising 500

students) is financially autonomous; yet its members contribute \$7,250.00 annually to the Students' Society. One way or another, I intend to see to it that the name and the dollars of Medicine are never again used to support such flascos as the Boll-Weevils, the Wilson-Fekete doctrine, and the philosophical tenets of student syndicalism.

Lorne M. Ruby
President,
Medical Students' Society

Frightened into action

Sir,

Perhaps the students of McGill have a right to be part of the decision making structure of our University; perhaps the University administrative system needs changing. Perhaps students should discipline themselves.

But when they, the students, have no responsibility, then I suggest that the administration, to protect the generation that did care, has the right to act.

Anyone who has witnessed the incompetence and petty politics of the past couple of days must realize that there is something very sick about Students Council and the S.C. Executive.

On Friday, the S.C. took the issue almost as a joke. At 1 pm they may not have been aware of the scope of the news media coverage, but by 6 pm the "state of crisis" was quite evident. Why didn't the executive suspend the people in question from the Daily staff pending Council action, and then call an emergency meeting for Monday night? The emergency meeting was called after the three individuals were charged, and when the executive was frightened into action. Is fright a criterion for responsibility?

Second, Council on Monday night had the battle lines drawn, making this a purely political issue. Two hours of procedure-riddled debate ended with the defeat of a motion that had little bearing on the issue.

Besides the legal formality of an official retraction, the only things accomplished were the adopting of the minutes of last meeting, motions to recess and adjourn, and tabling one motion that was out of place in the emotional setting of this crisis.

Why couldn't council, if it felt itself incompetent, refer the issue to a Student Disciplinary Committee, knowing that Senate's decision was not to be made public for ten days? Why couldn't they see that this was not the issue on which to challenge the administration? How can the "avant-garde" elements of faculty within the administration continue to support student participation after the incompetent, irresponsible display by the S.C. and by the lofty aristocracy of the S.D.U.?

This is not a matter of "freedom of the press". The "McGill Daily" will continue to present all sides (even the left) of each political issue, as long as they are done so as to be within the bounds of "tasteful" journalism.

The administration made an error in timing in acting so

quickly, but the S.C. made a greater mistake in doing nothing.

I earnestly hope that the administration can do what the S.C. couldn't do. Hold these individuals up as examples from which to learn, not make them martyrs to be pitied.

James S. Clift Clv. Eng. 5

Define boundaries

Sir,

For the first time in McGill's long history of conservative tradition the students have a cause to fight about. Sides have been taken, speeches made and general disorder has invaded the tranquil, studious atmosphere of McGill University. The issue of which I am speaking of course is the recent crisis over an obscene article published by the "McGill Daily".

The entire incident started as a case of ill judgement on the part of 3 members the McGill Daily staff. The article was taken out of context, in which we assume the intended effect was achieved. But out of context the only purpose achieved was that of willful degradation of the newspaper. It is a pitiful state of affairs when resort to shock treatment by way of obscene material is necessary.

The incident, however, didn't stop there. An outraged administration at once called for the hides of those responsible. This was an understandable result since most people on first reading of the article were genuinely shocked. It is only on perhaps second or third reading that the "reality" of the "satire" makes itself felt. However, once a stand is taken, it is too late to stop the chain of events that are bound to succeed afterwards. What could have been an internal affair and settled discreetly was immediately blown up into a conversation piece not only for universities of Montreal but for the entire city, the province and for other parts of Canada as well.

The issues of student rights, blanketed behind all this fuss is one of importance. But in order to have rights of any kind certain basic concepts must be understood and formulated into some kind of regulation. For instance, one important facet of rights is responsibility. In fact it is the most important. Those who long for, fight for and die for rights must have the responsibility to accept and understand the rules that rights entail.

But those McGill students involved have been temporarily blinded to this understanding. Heads swelled with a cause to fight for, they have proved themselves, by their recent actions, incapable of handling or respecting those rights.

It is therefore felt that although the administration was rather harsh in its interference, it nevertheless was necessary for the students. By this I mean that the time has finally come to question exactly what the boundaries of students' rights are.

Zelda Froimovitch BA 3

Judicial Committee Decision

(Petition dated November 9th., 1967, presented by Peter G. M. Smith, President, Students' Society)

The unanimous opinion of the Court (Leclerc, C.J., Blumer, Caplan, Cusmarri, Harrington, Labelle and Uditsky, J.J.) is as follows:

Before entering upon a discussion of the precise point of law contained in the petition presented to us under date November 9, 1967, it is necessary to make some comment regarding the character of the reference and the draftsmanship of this petition. On the first point, the Committee fully realized the importance of the matter to be decided both in terms of the effects on the parties themselves and on the public at large. A public hearing was held November 13th and each party was given an opportunity, through counsel, to present its side in the dispute. To expedite the process, the Committee decided to employ as few exclusionary rules as possible; the procedure was to be relatively informal, with the Committee of Judges taking under reserve most objections raised by counsel.

The informality of procedure of course had its disadvantages. It, for example, left the Committee and counsel open to the possibility of such consequences as witness incrimination, irrelevant questioning and weak evidence. It was felt, however, that these shortcomings could be counterbalanced by the Committee in its deliberations, where all evidence declared admissible could be weighed on an evidentiary basis. Thus the Committee trusted itself to give the proper weight to the evidence which was received in what we thought to be the most practical, just and expeditious manner.

With respect to the draftsmanship of this petition, we must express our displeasure at the way the matter was referred to us. As we understand the judicial role, we are called upon to pronounce upon a precise legal question. This is the only concern we have on a reference presented to us by a body such as the Students' Council. We were most displeased to see the penal work of Council included in the petition as it was presented, and would urge that future petitioners refrain from delineating what will be the consequences of our decision on the point which is our particular concern. The Judicial Committee neither participates in the decision as to penal effects nor does it wish to speculate about inferences which might be drawn from material that may be collateral to the issue of its concern.

Further on draftsmanship the Committee had some difficulty in determining the precise nature of the question which was the subject of the reference. After listening to the arguments of Counsel, we have come to the conclusion that the matter was intended to read:

"Did the act of publishing (or did the decision to publish) the article which appeared in the McGill Daily on November 3rd., 1967, entitled 'Boll-Weevils' constitute an act of bad faith?" It is on this footing that we shall consider the reference, and proceed to determine the answer in law.

'Bad faith' is a general and somewhat indefinite term. It cannot be defined with exactness. It has no constricted meaning. While it is a term not unknown to Canadian law, it is not a term often used in respect to the act of publishing. It is found in some of the libel sections of the Criminal Code, as for example, Sec. 258, but it is nowhere defined and does not form part of the actual definition of libel.

However, 'bad faith' has been equated with 'malice', a term used in American libel cases. The Manitoba case of *Gifford v Kelson* (1943) 2 W.W.R. 76, held that 'bad faith' as found in the Mental Diseases Act of that province has the same meaning as 'malice'.

Malice is generally said to be of two kinds, malice in law and malice in fact. Malice in law is established by a wrongful act intentionally done without just cause or excuse. Malice in fact generally requires an actual intention of ill will.

The American cases indicate that the fiction of legal malice is sufficient to constitute libel. However the term 'bad faith' is used in the libel context only as equivalent to "malice in fact". The "Corpus Juris Secundum" at pages 35 and 36 of vol. 7 is of the opinion that malice in law does not impute motives of ill will with intent to injure, and is not necessarily inconsistent with . . . good faith". The Wisconsin case of *Williams v Hicks Printing Co.* 150 N.W. 183 is cited for authority.

In that case it was held:

"Thus, in general, malice is an essential element of libel, but not, necessarily, malice in the sense of actual ill will and intent to injure, constructive malice, so-called — perpetration of the act without lawful excuse is sufficient . . .

So it is not to be thought that mere good faith . . . is, of itself, a defence, because such faith is not inconsistent with malice in law . . ."

It must be remembered that the operating words in the motion referred to this Committee are 'bad faith' and not 'libel'.

Having reference to the various definitions of "bad faith" as well as those of "malice in fact", the Judicial Committee is of the opinion that "bad faith" in the context of publishing denotes ill will, evil motive and intention to injure. It requires actual and not imputed intention. "Bad faith" is not simply bad judgement or negligence, but imports

dishonest purpose and conscious doing of wrong. It differs from the negative idea of negligence in that it contemplates a state of mind affirmatively operating with a furtive design or some motive of interest or ill will.

In its analysis of the testimony of Mr. Peter Allnutt in particular and the Managing Board of the McGill Daily in general, the Judicial Committee makes the following observations:

Mr. Allnutt had read the extract of the 'Realist' magazine in question. While he was of the opinion that the article would harm John Fekete's column, he did not expect an explosive reaction. There was no attempt to pass the article off as representing the truth. It was only when the article actually appeared in the context of the McGill Daily that he realised an error of judgement had been made.

While we are prepared to find bad judgement, we are unable to find actual ill will or actual intent to injure either the parties mentioned in the article, or the students and institution of McGill University. Good faith is always presumed; bad faith must be proved at least on a balance of probabilities.

The Judicial Committee has no alternative but to hold that the publishing of the article appearing in the McGill Daily on November 3rd., 1967, entitled "Boll-Weevils" did not constitute an act of bad faith.

Notwithstanding the position we take in law, certain comments must be made on the conduct of Mr. Allnutt as Editor of the McGill Daily. We are almost unanimous in the view that Mr. Allnutt's decision to publish the article was extremely irresponsible. The original "literary effort" which appeared in the *Realist* was inexcusable and makes a more than cancerous impression on us. Far from being analogous to the satire of Swift, as Mr. Krassner later inferred in his Magazine, it was and is devoid of social merit or value. Mr. Allnutt's course of conduct which led to the decision to allow John Fekete's column to run as it did was irresponsible, negligent and unreasonable. While he may have been in good faith, he is certainly one editor whose lack of foresight is appalling.

(Labelle J. dissenting to this paragraph:

My colleagues have felt they should express an opinion as to whether Mr. Allnutt's conduct in publishing the article "Boll-Weevils" could be judged negligent. In order to do so they had to pass judgement on the morality, good taste or social value of the article as it was published in the Daily. I am not ready to do so.

The Students' Council when drafting (minutes, November 8, 1967, pages 2266 and 2267) the motion referring this mat-

ter to the Judicial Committee, expressly excluded the idea that this Committee should rule on a violation of "canons of morality and good taste". It did so by deleting such words from the original proposed motion. To rule on such question would now amount to doing indirectly what we were not asked to do directly. The question put to us is limited to the strict issue of "bad faith".

In order to decide whether there was bad faith, we had not to look at the question of morality, literary value or social usefulness of the article published, but only to look at the actual ill will or actual intent which prompted the publication of said article. To rule on the validity of the article itself would, I suggest, deny the rights of the parties, by defining questions on which their counsels did not express their view of the law.

In view of what I have just stated, I think that, as a matter of law, the Judicial Committee ought not to comment upon the pseudo-negligence of the Daily's management or Editor-in-Chief.)

It was suggested to us by Mr. Cayne that the acts of Mr. Fekete as a columnist must be imputed to Editor Allnutt. It is our view that while mandate is indeed relevant to the relationship between people in these two positions, it is not the only factor which operates. For example, while someone may well write a piece of literature with a particular design or intent, it does not follow that this intent becomes that of the one who is instrumental in allowing the matter to go to press and reach the public readership, notwithstanding the fact that this person may be called to answer on a basis which largely resulted from a mandate relationship to which he was a party.

Finally it is important that we comment on the relationship between the Students' Council and the Editor of the Daily, if only for the reason that the matter so brashly appeared from the reference as it was given to us. Any suggestion that the Editor may only be dismissed because of his bad faith appears erroneous to this Committee. We have read with interest the decision handed down with respect to last year's Daily crisis and it is our view that it would be most appropriate and correct to state that the Editor-in-Chief of the Daily can be fired only for cause. Without wanting to prescribe the precise contours of the term "cause", we might cite as examples of "cause" the decision to publish an article which is obscene or which might entail liability in the nature of civil and criminal libel.

For the reasons which have been stated we declare that the question referred to us in the petition of November 9, 1967, must be answered in the negative.

November 15, 1967

Classified

These ads may be placed in our advertising office Room 121, Main Floor University Centre, 9 am to 4 pm. Ads received by noon appear the following day. Rates: 3 consecutive insertions \$1.50; maximum 20 words. 7¢ per extra word.

FOR SALE

BOOKS — HARDCOVER, PAPERBACK, 40% off. Sexology, business, political science, history, philosophy, photography, psychology etc. David, 482-2416.

MG "B" 1966 Convertible — white — red inside. Snow tires and radio included. This car is ready to sell immediately. Price to be discussed with owner. Call André — 365-0108.

ONE ELECTRIC GUITAR plus amplifier. One Spanish guitar. Call 342-5030.

HOUSING

LARGE FURNISHED ROOM in private residence available. Close to campus. Postgraduate student welcome. 937-4016 at night.

FURNISHED DOUBLE ROOM, kitchen. Quiet, room cleaned — \$18 per week. 3575 Jeanne Mance. Call Jon (after 6 pm) 845-0867.

STUDENT WANTED TO SHARE large 1½ room apartment; all facilities; 5 minutes walk from McGill; immediate occupancy. Call 845-0789.

PINE AVE. W. NEAR GUY — furnished apartment available December 1st. Suitable for 2 or 3 students. Fireplace, parking. 845-4914 mornings or after 6 pm.

TO SHARE: large 4½ furnished apartment. Pool, Sauna bath incl., on Sherbrooke, 5 minutes from McGill. \$100 monthly. Serious student, call 845-9722 after 6 pm.

SEVERAL 1½ and 2½ ROOM APARTMENTS, private bath and kitchen, nicely furnished, suitable 1 or 2. Immediate occupancy. \$80, \$85, \$95, \$100, \$120 monthly and up. Phone 937-8994.

YOUNG GIRL WANTS SAME to share 4 room apartment — own room. Westmount. Please call 932-1040.

LOST

BROWN SUEDE JACKET at Union Saturday night. Please return to Roscoe desk, R.V.C. or call Barbara at 849-0051.

PLUMMER'S POT BOYS — transporting two hitchhiking girls Saturday night on way to Avenue Theatre — blue sweater left in car. 937-4452.

RED, PORTABLE, BATTERY-OPERATED radio-recorder player. Administration Building, Wednesday night. Reward. Phone 844-3211.

ONE LIGHTER AND ONE RED WALLET on the 6th floor of the Medical Building Nov. 13th. Please call Linda 738-9544.

**PARKER PENS
REPAIRS AND SALES ONLY**
While you wait
8:30 am - 4:30 pm
PEN SERVICES REGISTERED
620 Cathcart — 866-7141

Daily motions...

(Continued from page 1)

Earlier, Douglas Bacon (Divinity) had agreed with Lenihan, saying that if Council had

RACCOON HAT, Monday Nov. 13th, along University St., above Milton, between Milton Gates and/or inside Physics Bldg. Call Margie 845-6741.

TYPING

WILL DO TYPING AT HOME. Term papers, theses, notes, essays, manuscripts, etc. Reasonable rates. Call evenings: 487-1529.

TYPING LECTURE NOTES, theses, manuscripts, term papers, stencils. Typing done while you wait. 733-3272.

TUTORING

FRENCH, SPANISH, GERMAN, RUSSIAN or other language problems? Call or visit the Montreal Language School, 900 Sherbrooke (opp McGill) 849-5875.

MISCELLANEOUS

ARE YOU BORED, tired, apathetic, disinterested? Then join Hillel this week.

MILLARD FILMORE LIVES!

WITNESS TO AUTO ACCIDENT outside Roddick Gates, Sherbrooke and McGill, 9 pm Saturday November 11, call Phil: 739-4898, after 6.

SIGMA DELTA TAU says: Support your kidney, buy a candy Wednesday November 15th, Leacock, McIntyre, McConnell Engineering. Times: 10-1 pm.

ARAB STUDENTS' SOCIETY slides — coffee — tea — meeting — friends — members — everyone. Friday November 17, 5 pm. University Centre Room B 27.

18 CONGRATS TO JACKIE C. Choz! The boy becomes a man... well, almost. Charlie Brown and the Great Pumpkin.

FEELING DOWN AND OUT? Recover with the St. James Infirmary. (Light-sight-sound, psychedelics) R.V.C. Sat. Nov. 18.

BABYSITTER EXPERIENCED with infants wants work in Cole des Neiges - Ridgewood area. Call Julie, 738-1901.

STAMP OUT DEMOPHOBIA: swinging time to be had at 3484 Peel, this Friday. 8:30 on. Beer available.

PARTY OR DANCE — swing out to the best bands in town. Book now through Boom Enterprises. 681-2698; 276-6952; 482-7056.



computate

COMPUTER DATING

CALL 844-0092 (24 hrs) OR MAIL COUPON

Computate, PO Box 159 Victoria Sta, Mt 6
Please send free booklet on computer dating to:

NAME: _____
(Please print)

ADDRESS: _____

brought the wrong charges against the Daily in its petition to the Judicial Committee last week, perhaps, "we were irresponsible, negligent, and acted with lack of foresight".

Council also tabled a motion establishing a new process for selection of the Editor-in-Chief of the Daily. The motion, presented by Blau, suggested that a committee be set up composed of three members of Council, two representatives from the Daily, and two professional journalists.

Blau pointed out that the professional journalists were the key to his system since neither Council nor the Daily would have a majority. He said that although it may not be perfect, it is a far better system than election and better also than the present system.

Allnutt agreed with the proposal, and said it would eliminate both the political element, Council selection and the controlling element in Daily selection, while the professional would insure a measure of competence.

McGILL STUDENT SPECIAL...

Open a charge account with Lowby's

Don't delay! Visit Lowby's today! This year, be smartly dressed in a new Lowby's suit, topcoat or overcoat, all expertly tailored and of the highest quality.

Also see our sport jackets, blazers and sweaters for campus wear. We also specialize in tall shoes for short men. — Actually make you two inches taller.

SPECIAL DISCOUNTS WHEN YOU PRESENT YOUR ID CARD

Call in
For Your
Courtesy
Discount
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Shoes and
Haberdashery
of every
description
★
JEWELLERY
ELECTRICAL
APPLIANCES

FREE PARKING
FREE ALTERATIONS
For the Life of the Garment

Lowby's LTD.
1223 PHILLIPS SQUARE

SCARLET KEY HONOUR SOCIETY

THE DEADLINE

for regular appointments, to be handed in at the Switchboard in the University Centre

5 PM, FRIDAY, NOVEMBER 17

Candidates Must Be

- in good standing academically
- with a minimum 65% average
- in the following prescribed years:

Arts & Science, Music, Commerce

Law, Divinity

Medicine, Dentistry

Engineering

Architecture

Graduate Studies & Research

3rd year

2nd Year

2nd or
3rd year

4th Year

4th or
5th Year

Any Year

Norman Woods
Vice-President
Scarlet Key
Honour Society

4th Annual McGill International Festival

NOV. 20 - 25

- Mon. Nov. 20 —** 1 pm - Parade and Opening Ceremony — Place Ville Marie
2 pm - Parade and Opening Ceremony — Ballroom
6 pm - International Dinner — Cafeteria
8 pm - International Revue — Moyse Hall
- Tues. Nov. 21 —** 2 pm - Free Film Shorts — Ballroom
6 pm - International Dinner — Cafeteria
8 pm - Film Feature — McConnell Eng. Bld. Rm. 304, 50¢
- Wed. Nov. 22 —** 6 pm - International Dinner — Cafeteria
8 pm - Fashion Show & Folk Festival — Ballroom
- Thurs. Nov. 23 —** 2 pm - Free Film Shorts — Ballroom
6 pm - International Dinner — Cafeteria
8 pm - Panel Discussions — Ballroom
- Fri. Nov. 24 —** 2 pm - Film Shorts — Ballroom
6 pm - International Dinner — Cafeteria
8 pm - An Evening of Arabian Dance — Moyse Hall
10 pm - I.S.A. and Choral Society — Singing Reception Douglas Hall
- Sat. Nov. 25 —** 8 pm - International Ball — featuring the "Melotones" and "The Black and Blues"
- Mon. - Fri. 10 am - 6 pm - Art Exhibit - Rm. 123, 124**



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built a
better
mouse
trap**



Here's the greatest invention since contact lenses. LENSINE is here! The new all-in-one solution for complete contact lens care. You no longer have to keep separate solutions for wetting, cleansing and soaking contacts. And on the bottom of every bottle there's a removable lens carrying case, a LENSINE exclusive. Pick up a bottle. There's nothing like it at any price.



for contacts

STUDENTS' SOCIETY ELECTION

DECEMBER 6, 1967

Nominations are hereby called for the positions of the following Students' Council Representatives:

1. The representatives from the Students in the following faculties and schools must be presently in their penultimate year and in good academic standing with the University:

ARTS & SCIENCE 3 representatives

(At least one representative must be pursuing a B.A. degree and one a B.Sc. degree)

ENGINEERING 2 representatives

Architecture)	
Commerce)	
Education)	
Music)	One representative each.
Nursing (B.Sc.N))	
Physical & Occupational Therapy)	

2. The representatives from the Students in the following Faculties and Schools may be in any year, but must have spent at least one full academic year at McGill University, and must be in good academic standing with the University:

Divinity)	
Dentistry)	One representative each
Law)	
Medicine)	

* ALL NOMINATIONS MUST BE SIGNED BY 25 STUDENTS OF THE FACULTY OR SCHOOL, OR BY 25% OF THE STUDENTS OF THE FACULTY OR SCHOOL, WHICHEVER IS LESS, AND COUNTER-SIGNED BY THE NOMINEE.

* NOMINATIONS MUST CONTAIN ONLY THOSE WORDS THAT APPEAR IN THE STUDENT HANDBOOK, PAGE 199 UNDER ARTICLE II OF THE ELECTORAL BY-LAWS OF THE STUDENTS' SOCIETY.

* ALL NOMINATIONS MUST BE SUBMITTED TO THE SECRETARY-TREASURER OF THE STUDENTS' SOCIETY BEFORE

4 PM, FRIDAY, NOVEMBER 24, 1967

Laiq Hanafi
Chief Returning Officer

Poor defence leads to exhibition loss

U de M bombs ice Tribe 8-2

by MURRAY SEGAL

A sad defence and poor goaltending told the Indian hockey story last night at the Winter Stadium as the Red and White were buried 8-2 by the U of M JV Carabins in an exhibition game.

Tribe Coach Len McDougall said of the contest, "Any time eight goals are scored, you have to be disappointed in the defence and the goaling."

Surprisingly, the Indians recorded the first goal of the night

as Eric Reid, undoubtedly the finest Tribe player all evening, stickhandled in from centre ice and scored off the crossbar at 6:28 of the first period.

However the lead was short-lived as U of M replied thirty

seconds later to even up the count, Marcel Tremblay being the scorer.

At the 11:39 mark of the first frame, Jean Tremblay put the Carabins ahead despite the fact that his squad was short-handed at the time.

The poor quality of the Tribe netminding became extremely evident when Indian goalie Peter Pichler was fooled by a 90 foot blooper at 12:08, the work of Gatien Richard.

Joe Virball's roughing penalty at 13:17 turned out to be an abbreviated rest in the sin box as Maurice Matte netted a goal eight seconds after the beginning of the two minute infraction.

Many U of M goals later, veteran Howie Smith knocked in a Reid passout to end the Tribe scoring parade, at 13:14 of the second period.

The third frame was marked by an improvement in the showings of both clubs at passing and clearing of the puck, especially by McDougall's charges.

The Indians entertain the Macdonald Aggies this Friday night at 8:00 in a game to be held at the Winter Stadium. The first encounter of the regular season for the puck tribe will be Wednesday evening in a home game against Vaudreuil.

INTRAMURALS

The Intramural Swim Meet will be held on Thursday, November 23rd at 7:00 pm. Entries for Squash and Table Tennis are now being accepted in the General Office of the Gymnasium. The Tournament will start in late November, 1967

PRE-MED SOCIETY

presents

Dr. WILLIAM FEINDELL

of the Montreal Neurological Institute
Speaking on:

"The Doctor In Spite of Himself,
Le Médecin Malgré Lui,
As Applied to Neurology"

Stewart Biol. Building S4
Friday, Nov. 17, 1967

1 pm

HILLEL PRESENTS

A special engagement

of the

CALGARY STAMPEDERS

a big name band from the West

at the McGill Hillel Dance

Saturday, November 18

8:30 pm

in the Union Ballroom

Refreshments, Music, etc., etc.

Everyone welcome

JAZZ

At the "New" OP

**DENNIS A. BROWN
QUARTET**

The Swinging 3545 Park
Coffee House 845-1595

Wed. - Thur. - Sun. — 9 pm
Fri. - Sat. — 10 pm

*Under the Patronage of His Excellency The Right Honorable
Roland Michener Governor-General of Canada*

**The Chairman and Members of the
Canadian Centennial
Committee of McGill University**

Invite the Student Body and the general public

to view the

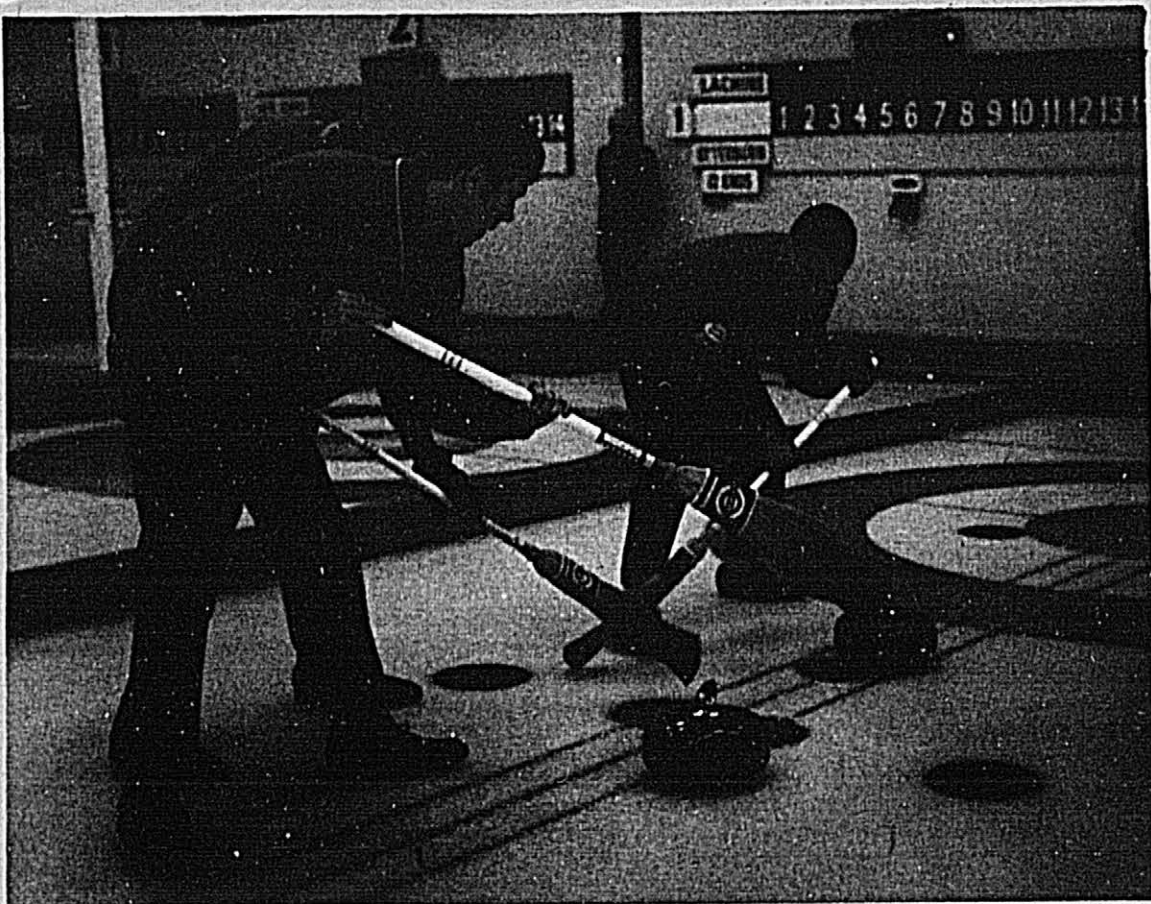
Centennial Art Exhibition

In the Ballroom of the McGill University Centre

At 3480 McTavish St.

Tuesday, Nov. 14 to Friday, Nov. 17

9 am to 9 pm



BROOM PUSHERS: Redmen curlers opened their season successfully Tuesday, when Steve Caron (foreground), John Kerswill, Terry Norman (right) and Ralph Lysyshyn (who delivered the rock) won the "H" event in the Greater Montreal Bonspiel. The Redmen compiled an 8-3-0 record to clinch the championship.

Win "H" event in Greater Montreal Bonspiel

Redmen rink captures trophy

The Redmen Curling team picked up its first trophy of the new season by copping the "H" event in the Greater Montreal Bonspiel Tuesday night.

Terry Norman's Redmen rink of Steve Caron, third, John Kerswill, second, and Ralph Lysyshyn, lead, finished with a flurry to knot the final tourney match at 8-8 with a big three point twelfth end. The team went on to count one in the extra end and record a 9-8 triumph and clinch the championship.

The Redmen played a total of eleven games and finished with an 8-3 log. There were 150 rinks entered in the four day meet which made this the largest bonspiel held in Montreal for many years.

The Curling Club has entered several mixed teams in the Lady Gilmore competition to be held November 27 through December 6. All students, especially female

curlers, are welcome to join the organization. Practice sessions are held Fridays, between 1 and 5 pm at the Montreal

Caledonia Curling Club, Hillside Lane, Westmount. All those interested should attend practice or contact Terry Norman.

We have a 4-letter word for those who are calm, girl-crazy, boy-crazy, moral, immoral, athletic, intellectual, or even human:

JOIN!

HILLEL NOW

INTRAMURAL SCHEDULES

1967

VOLLEYBALL:	Wednesday, November 22nd
	1:00 pm All Stars vs Education Slipsticks vs Dent 1
	Thursday, November 23rd
	1:00 pm Choo Choo vs Geologists Architecture vs Dent 11
FLOOR HOCKEY:	Wednesday, November 22nd
	7:30 pm All Stars vs Alphas
	8:00 pm Inlays vs Plumbers
	8:30 pm Animals vs Shysters
	9:00 pm F.H. 2 vs Choo Choo's
BASKETBALL:	Monday, November 20th
	7:30 pm Debits vs Education Crocs vs Nads Trotters vs Law 1 Liabls vs Phylum
	8:15 pm Plumbers vs Science 1 & 2 Stills vs Hoops Schwanns vs Bouncers M.B.A.'s vs Exterminators
	9:00 pm Choppers vs Shysters
ICE HOCKEY:	Monday, November 20th
	1:00 pm Commerce vs Engineering
	Wednesday, November 22nd
	1:00 pm Science vs Medicine
	Thursday, November 23rd
	1:00 pm Arts vs Law
	Friday, November 24th
	1:00 pm Dentistry vs Graduates

**reDo what a Dee
unDid**

**Hasten to Hillel
Friday for to reFlower
our Wondrous Wall**

(north)

3460 Stanley St. 10-3

(o'clock)

**ITALIAN?
FRENCH?
INTERESTED?**

THIS FRIDAY NIGHT

B-26-27 7:30 pm

**PARTY: MUSIC
REFRESHMENTS
FUN — FUN**

— THERE WILL BE AN

OPEN MEETING

AT THE WOMEN'S UNION

Wednesday, November 22, 1 pm

Rm. 327 Union (North Lounge)

to discuss the dropping of the
W.U. seat on Council.

STUDENTS

Come one, come all
For your annual chest x-ray

where? 517 Pine Avenue W.

when? 9 am - 12 noon or 1 pm - 3 pm as posted

who? Members of the following:

Tues. Nov. 14th — Graduate Studies A-M

Wed. Nov. 15th — Graduate Studies N-Z

Thurs. Nov. 16th — Library Science

Fri. Nov. 17th — Social Work

*Tailored to
fit bucket
seats...not
easy chairs*

Who needs floppy, pleated slacks?
Not if you're an in-the-know.
You need trim-tapered, go
anywhere casual slacks that never
need ironing.

Slacks like the new permanent
press Lee-Prest Lee Leens. Carved
lean'n low and in the shades that
do the most for all your shirts and
sweaters. Lee-Prest Lee Leens.
Your kind of slacks.

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Downtown & Fairview

M. H. Grover & Sons Ltd.
4741 Wellington St.
Verdun, Que.

Kellam's Ltd.
308 St. Catherine St. W.
Montreal, Que.

Bovet
Rockland Shopping Centre
Town of Mt. Royal

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5250 Queen Mary Road
Montreal, Que.